



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/846,025

04/30/2001

Philip M. Ginsberg

CF-20

4295

1473 7590 05/18/2007
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/846,025

Applicant(s)

GINSBERG ET AL.

Examiner

Harish T. Dass

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-42 and 46-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-11, 13-42 and 46-55 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Appendix A</u> . |

DETAILED ACTION
Election/Restrictions

Status of claims:

Claims 12, 43-45 are canceled.

Pending claims, 1-11, 13-42, 46-55.

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

A. CLASS 463

- I. Claims 1-6, and 7-10, 25, 55 are drawn to qualifying client to participate in wager, classified in class 463, subclass 25.
- II. Claims 11, 13-15, 16-19, 23-24, 41-42, 46, 47-48, 49 are drawn to determining limits and authorization, classified in class 463, subclass 29.
- III. Claims 20-22 are drawn to generating selections of outcomes, classified in class 463, subclass 4.
- IV. Claims 34-38, 52-54 are drawn to determining spread, classified in class 463, subclass 25.
- V. Claims 26-29 and 30-33 are drawn to hedging and risk, classified in class 463, subclass 25.

B. CLASS 705

- VI. Claims 39-40 are drawn to market price, classified in class 705, subclass 37.

C. CLASS 235

VII. Claims 50, 51 are drawn to issuing encoded card, classified in class 235, subclass 382.

The inventions of group A, B and group C are distinct, each from the other because of the following reasons:

1. Group A is classified as class 463 "games", group B is classified as class 705 (business method) and group C is classified as class 235 each invention has been identified in the art as a separate subject for inventive effort.
2. Group A (Class 463), Inventions I-V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the each case (I, II, III, IV, V), the combination as claimed does not require the particulars of the subcombination (I does not require II, III, IV or V; II does not require I, III, IV or V; ...) as claimed because:

Subgroup I is directed to qualifying client to participate in wager, subgroup II directed to drawn to determining limits and authorization, subgroup III directed to generating a selections of outcomes, subgroup IV directed to determining spread, and subgroup V directed to hedging and risk. The subcombinations have separate utilities.

Art Unit: 3693

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper. See Appendix A.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

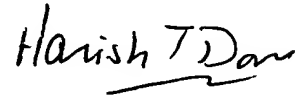
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Examiner
Art Unit 3693



5/11/07

[!] A1, B1, C1, ... represents the limitations are different need different search unless obvious.

Claim Mapping (limitations)

* S – display is updated only when it is a new data. For example the stock ticker display is updated when the price changes.

Claim Mapping (limitations)

| Classification | 463/ 25 Claim | 463/ 7 Claim | 463/ 29 Claim | 463/ 29 Claim | 463/ 4 Claim | 463/ 29 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim | 463/ 25 Claim |
|--|------------------------------|-----------------------------|------------------------------|------------------------------|-----------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Limitation Claimed (Independent claims) | 1 | 7 | 11 | 16 | 20 | 23 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 |
| X - displaying to said client a display of wagerable event outcomes wherein each of said displayed event outcomes is one of said first selection and said second selection | | | | | | X | | | | | | | | | | | | | |
| Y - receiving a request from said client to wager on one of said plurality of event outcomes at said displayed price associated with said event outcome | | | | | | | Y, CH+ RI | | | | | | | | | | | | |
| Z- determining whether said displayed price of said event outcome is the same as the current price of said event outcome | | | | | | | Z | | | | | | | | | | | | |
| Aa - notifying said client if said current price is different from said displayed price | | | | | | | Aa | | | | | | | | | | | | |
| Bb - receiving a request from a client to wager on an event outcome on which said client is authorized to wager | | | | | | | | Bb | Bb | | | | | Bb | | | | | |
| Cc - determining automatically an amount to hedge said wager based upon predetermined criteria | | | | | | | | Cc | | | | | | | | | | | |
| Dd - hedging said wager in accordance with said determination | | | | | | | | Dd | | | | | | | | | | | |
| Ee - determining an amount at risk based upon said requested wager and wagers made by other clients | | | | | | | | | Ee | | | | | | | | | | |
| Ff - determining an amount at risk based upon said requested wager and wagers made by other clients | | | | | | | | | Ff | | | | | | | | | | |
| Gg - hedging automatically said amount at risk in accordance with whether said amount at risk exceeds said predetermined amount | | | | | | | | | Gg | | | | | | | | | | |
| Hh - determining a spread of a wagerable event outcome | | | | | | | | | | Hh | | | | | | | | | |
| Ii - displaying at a workstation said wagerable event outcome and said spread of said wagerable event outcome | | | | | | | | | | Ii | | | | | | | | | |
| Jj - adjusting continually said spread of said wagerable event in accordance with predetermined risk criteria | | | | | | | | | | Jj | | | | | | | | | |
| Kk - receiving a request from said client to wager on an event outcome. | | | | | | | | | | | | | | | | Kk | | | |

Claim Mapping (limitations)

| Classification | 463/ 25 Claim 1 | 463/ 25 Claim 7 | 463/ 29 Claim 11 | 463/ 29 Claim 16 | 463/ 4 Claim 20 | 463/ 29 Claim 23 | 463/ 25 Claim 25 | 463/ 25 Claim 26 | 463/ 25 Claim 30 | 463/ 25 Claim 34 | 705/ 37 Claim 39 | 463/ 29 Claim 41 | 463/ 29 Claim 46 | 463/ 29 Claim 47 | 463/ 29 Claim 49 | 235/ 382 Claim 50 | 235/ 382 Claim 51 | 463/ 25 Claim 52 | 463/ 25 Claim 53 |
|--|--------------------------|--------------------------|---------------------------|---------------------------|--------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|----------------------------|----------------------------|---------------------------|---------------------------|
| Limitation Claimed (Independent claims) | | | | | | | | | | | | | | | | | | | |
| said event outcome being associated with a date or time and a market, wherein a price for said event outcome for said date or time is unavailable from said market. | | | | | | | | | | | | | | | | | | | |
| Ll - calculating said price for said event outcome in accordance with available market information. | | | | | | | | | | | Ll | | | | | | | | |
| Mm - displaying to said client said calculated price | | | | | | | | | | | Mm | | | | | | | | |
| Nn - receiving from said client instructions defining a maximum amount said client desires to risk | | | | | | | | | | | | Nn | | | | | | | |
| Oo - warning said client when said requested wager and other wagers of said client exceed said maximum amount | | | | | | | | | | | | Oo | | | | | | | |
| Pp - receiving from a client instructions defining a wagering limit | | | | | | | | | | | | | Pp | | | | | | |
| Qq - calculating a total wagering amount for said client based upon said requested wager and other wagers made by said client | | | | | | | | | | | | | Qq | Qq | | | | | |
| Rr - notifying said client when said total wagering amount exceeds said wagering limit | | | | | | | | | | | | | Rr | | | | | | |
| Ss - displaying to a client a first display comprising a selection of event outcomes on which said client is authorized to wager | | | | | | | | | | | | | | Ss | | | | | |
| Tt - displaying to said client a second display comprising a non-wagering environment when said total wagering amount exceeds a predetermined wagering limit | | | | | | | | | | | | | | Tt | | | | | |
| Uu - receiving from a client instructions defining a loss limit | | | | | | | | | | | | | | | Uu | | | | |
| Vv - calculating a total loss amount for said client in response to said client losing a wager, said total loss amount based upon said lost wager and other wagers lost by said client | | | | | | | | | | | | | | | Vv | | | | |
| Ww - notifying said client when said total loss amount exceeds said loss limit | | | | | | | | | | | | | | | Ww | | | | |
| Xx - issuing a card to a client, said | | | | | | | | | | | | | | | | Xx | Xx | | |

Claim Mapping (limitations)

- ◆ Access card is smart card?

Claim Mapping (limitations)

Claim Mapping (limitations)